

**ORDINANCE NO. A06-5**

**With Conditions**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN R-1 RESIDENTIAL DISTRICT FOR A DAYCARE/LEARNING CENTER TO OPERATE TWENTY-FOUR (24) HOURS A DAY ON A CERTAIN PARCEL OF LAND LYING AND BEING IN THE TOWN OF BRIDGEVILLE, DELAWARE**

WHEREAS, on the 25<sup>th</sup> day of June, 2004, the Commissioners of Bridgeville approved Ordinance Number A04-6 that permitted a day care/learning center to operate, with conditions, on a certain piece of property more fully described below; and

WHEREAS, on the 10<sup>th</sup> day of November, 2005, Gerry D. Royal filed a Conditional Use Application to request permission to operate that same daycare/learning center on a twenty-four (24) hour basis; and

WHEREAS, on the 19<sup>th</sup> day of June, 2006, the Commissioners of Bridgeville held, after notice, a public hearing to consider the application, the presentation of the applicant, and to accept testimony from members of the public;

**NOW, THEREFORE, THE COMMISSIONERS OF BRIDGEVILLE  
HEREBY ORDAIN:**

Section 1. Pursuant to Section 234-24 of Article 4 and Section 234-30(B)(3)(e) of Article 6 of the Bridgeville Land Use and Development Code, a Conditional Use for a Large Family Daycare Center to operate on a twenty-four (24) hour a day basis is granted to the property known as 219 First Street and described in a deed dated April 12, 2000 from Charles C. Royal to Charles C. Royal and Gerry D. Royal of record in the Office of the Recorder of Deeds in and for Sussex County in Deed Book 2477, Page 38 and further described as follows:

All that certain lot, piece or parcel of land with improvements thereon situate, lying and being in the Town of Bridgeville, Sussex County, Delaware fronting 60 feet on the public road leading from Bridgeville to Greenwood and running back 243 feet and better, further known as Lot No. 4 of Frederick L. Willey lands.

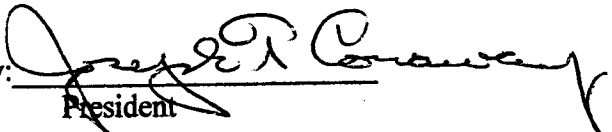
Section 2. This Ordinance is subject to the following conditions:


1. The daycare/learning center may operate twenty-four (24) hours a day, Monday through Friday;
2. There shall be no more than five (5) employees, all of whom must be properly licensed and supervised according to all applicable ordinances, statutes, rules, and regulations.

3. All other conditions of Ordinance No. A04-6 shall remain in effect.

Section 3. This Conditional Use was approved by a majority vote of all of the elected Commissioners of the Town of Bridgeville and this Ordinance shall take effect immediately upon its execution by the Mayor of Bridgeville.

COMMISSIONERS OF BRIDGEVILLE

By:   
President

Attest: 

Dated: 7.10.06

### FINDINGS OF FACT

1. The property is owned by Gerry D. Royal.
2. The property is located at 219 First Street in the Town of Bridgeville.
3. The property presently operates as a daycare/learning center pursuant to a Conditional Use granted in 2004.
4. The property is zoned R-1 Residential.
5. There is a critical need for 24-hour-a-day care for children whose parents work evening and night shifts.
6. There was no opposition to the application and the Town received one letter in support of the application from a neighbor of the property.
7. The property will not have children living at the location, only children receiving care on a temporary basis.
8. The operation is licensed by the State of Delaware.
9. No more than twelve (12) children will be at the site at any one time.
10. The Commissioners determined that the application is in accordance with each of the factors set forth in § 234-24(C).